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REMARKS

Reconsideration of the above referenced application in view of the enclosed amendments and remarks is requested. Claim 10 has been amended. Claims 1-2, 4-7, 9, 11, and 15-18 have been cancelled. Claims 10, 12-14, and 19 remain in the application.

ARGUMENT

Claims 1-2, 4-7, and 9-19 are rejected under 35 USC 103(a) as being unpatentable over Ludwig (US Patent Application Publication 2001/0021928).

The limitations of claims 11 and 15-17 have been incorporated into independent claim 10. Claim 10 now requires, in part, that the electronic contract includes a sixth section defining ancillary services used in support of the shared process, the ancillary services including at least one of saving archives relating to use of the shared process by the at least two parties and performing audits relating to use of the shared process by the at least two parties. These limitations were formerly recited in dependent claims 15-17.

In paragraph 5.15 of the Office action dated November 29, 2005, the Examiner asserts that the limitation of ancillary services is described in paragraph 65 of Ludwig, since Ludwig's "role certificate consist of several sections, one of which is administrative information." The Examiner contends that it would be obvious to define ancillary services as claimed, based on the teaching of Ludwig's role certificate having an "other administrative information section"; however, the Office action does not specifically assert that Ludwig actually suggests such a limitation. Instead, the Examiner conjectures that it would be obvious that the other administrative information section of Ludwig's role certificate could be used for the

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claimed limitation. The mere fact that Ludwig's other administrative information section can be used or could be used for the claimed limitation without any actual teaching or suggestion of the limitation is not enough to support a prima facie case of obviousness. It is merely supposition or speculation on the part of the Examiner, based on hindsight due to Applicant's disclosure. The Examiner appears to be using the Examiner's own judgment at the point in time of examination as to what is obvious instead of relying on the *suggestion* (if any) of Ludwig at the time the claimed invention was made. To properly support a prima facie case of obviousness under the law, the cited reference must teach or suggest the claimed limitation of ancillary services, not just be merely *capable* of fulfilling that role or be obvious to the Examiner based on supposition almost five years later.

In fact, the Applicants respectfully assert that Ludwig's other administrative information section does not teach or suggest anything about ancillary services (including archiving and auditing) as claimed. It would not have been obvious at the the time the invention was made to use Ludwig's other administrative information section of a role certificate to specify ancillary services such as archiving and auditing because the only thing Ludwig teaches that his other administrative information section is used for is storing the time at which the role certificate was issued, when it will expire etc. (see paragraph 65, lines 8-10). There is no teaching or suggestion of ancillary services such as archiving or auditing as currently claimed. Since all limitations of claim 10 are not taught or suggested by Ludwig, a prima facie case of obviousness has not been made. Therefore, claim 10 is allowable as currently presented.

The Examiner makes the same logical error with respect to dependent claims 12-14, and 16-19 (claims 16 and 17 now incorporated into claim 10). The rejection of these claims are based on speculation. Nowhere does Ludwig actually suggest the claimed limitations. What can or cannot be done with the additional information

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section of Ludwig's role certificate based on the current thinking of the Examiner or what can or cannot be done with HTML forms is irrelevant here. For Ludwig to form a valid basis for a prima facie case of obviousness, the cited reference must actually teach or suggest the claimed limitations. However, Ludwig does not suggest the claimed limitations of saving archives or audits, or third parties providing the ancillary services, or any of the limitations of claim 12-14. Therefore, these claims are allowable.

Additionally, claims 12-14, and 19 are dependent from allowable independent claim 10. Thus, they are also allowable.

CONCLUSION

In view of the foregoing, Claims 10, 12-14, and 19 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-8074. Early issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,

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